

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ALAN JOHNSON,

:

Plaintiff,

:

Case No. 3:13cv00383

vs.

:

District Judge Walter Herbert Rice

CAROLYN W. COLVIN,
Acting Commissioner of the Social
Security Administration,

:

Chief Magistrate Judge Sharon L. Ovington

:

Defendant.

:

DECISION AND ENTRY

The Court has conducted a de novo review of the Report and Recommendations of Chief United States Magistrate Judge Sharon L. Ovington (Doc. #15), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on January 9, 2015 (Doc. #15) is adopted in full;
2. The Commissioner's non-disability finding is vacated;
3. No finding is made as to whether Plaintiff Alan Johnson was under a "disability" within the meaning of the Social Security Act;
4. This case is remanded to the Commissioner and the Administrative Law Judge

under Sentence Four of 42 U.S.C. §405(g) for further consideration consistent with the Report and Recommendations and this Decision and Entry; and

5. The case is terminated on the docket of this Court.

A handwritten signature in black ink, appearing to read 'Walter Rice', is positioned above a horizontal line.

Walter Herbert Rice
United States District Judge